

WILMERHALE

May 16, 2024

Alan E. Schoenfeld

BY ECF

+1 212 937 7294 (t)
+1 212 230 8888 (f)
alan.schoenfeld@wilmerhale.com

Hon. Jennifer L. Rochon
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Guery v. DraftKings, Inc.*, No. 24-cv-2921

Dear Judge Rochon:

Defendant DraftKings submits this letter motion in order to: (i) seek approval of an unopposed extension to DraftKings' time to respond to the Complaint to June 28, 2024; and (ii) request an adjournment of the initial pretrial conference until after DraftKings has responded to the Complaint.

Response to Complaint

DraftKings' current deadline to respond to the Complaint is May 20, 2024. The parties have met and conferred and Plaintiff does not oppose DraftKings' request to extend the response deadline to June 28, 2024 (60 days after April 29, 2024, which is the date DraftKings agreed to effective service). The extension of time will allow DraftKings to investigate the allegations made in the Complaint in order to understand the factual and legal issues and appropriately respond.

DraftKings respectfully requests that the Court approve this extension of time for DraftKings to respond to the Complaint to June 28, 2024.

Initial Pretrial Conference and Case Management Statements

The Court set the initial pretrial conference for June 4, 2024 at 10:00 am. (ECF #6). The corresponding deadline for the parties to file on ECF a joint letter and Civil Case Management Plan and Scheduling Order is May 24, 2024 (ten calendar days prior to the conference).

DraftKings requests that the Court re-set the initial pretrial conference for July 22, 2024 or later. Setting the pretrial conference for a date after DraftKings has responded to the Complaint will allow the parties to be better informed of each other's positions, the major legal and factual issues, and their positions on settlement. It will also allow adequate time for the parties to confer about the topics to be addressed in the joint pretrial conference letter and a proposed case

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management plan and schedule. A pretrial conference date of July 22, 2024 would have a corresponding deadline for the pre-conference filings of July 12, 2024. The parties have conferred and agreed on the following three proposed dates for the pretrial conference:

- July 22, 2024 (after 2 p.m.);
- July 23, 2024 (after 2 p.m.);
- July 24, 2024.

DraftKings respectfully requests that the Court adjourn the initial pretrial conference until July 22, 2024 or later, with a corresponding deadline for submitting the pre-conference filings ten calendar days before the re-set hearing.

DraftKings has not previously made any extension requests in this action, and both parties consent to the extensions and adjournments requested in this letter.

Respectfully submitted,

Alan E. Schoenfeld